

1 Q Okay. Well, I mean, is there, have you ever  
2 been kind of the complainant or initiated that process  
3 on your own?

4 A There are some times when a situation would  
5 come up at say a board meeting and I would sort of act  
6 as a voice from the planning board or some other board  
7 to the whatever agency that would then follow up. So  
8 that's just an example of when sort of I would get  
9 involved more up front. But it wouldn't be, it wouldn't  
10 be sort of a direct thing.

11 Q Okay. So I'm a little unsure what you were  
12 trying to explain there, but I think I might so tell me  
13 if I'm right or wrong, that you might make a  
14 recommendation to one of the boards or something that a  
15 process start taking place, but you, but you typically  
16 are not the hands-on person that would initiate all that  
17 stuff on your own?

18 A That's a better way of saying it.

19 Q Okay. All right. Very good. All right. All  
20 right. Let's take a look at what has been marked as 55.  
21 I'll give you a second to review that and let me know if  
22 you've reviewed that recently. And I'll represent to  
23 you, okay, just out of fairness to you and for brevity  
24 as well we're going to look at page one and page two of  
25 that document. That just happens to be, you know, that

1 package there.

2 A I have reviewed this previously.

3 Q Okay. And what does that purport to be?

4 A These are minutes of a planning board meeting  
5 that occurred on October 20th, 2014.

6 Q Okay. And you were there as a planning board  
7 member?

8 A Yes.

9 Q Okay. And this was back when Folmer was town  
10 attorney, right?

11 A Correct.

12 Q And then we're going to look at page two at the  
13 top there. We look at 1657 Hillside, LLC, applicant,  
14 reputed owner, Economy Paving, do you see that?

15 A Yes.

16 Q What's your understanding from reading this  
17 kind of caption here what this involves?

18 A Looks, just reading the caption looks like  
19 Economy Paving or Hillside, LLC made some sort of  
20 informal or formal conditional permit application  
21 regarding outside storage at a property located on Route  
22 13.

23 Q Okay. And you see that address is 1657, right?

24 A Yes.

25 Q Okay. All right. So, and you know Matt

1 Newman?

2 A I do.

3 Q Okay. And who is Matt Newman?

4 A Matt Newman as a local attorney in Cortland.

5 Q Okay. All right. And here underneath it says

6 "board member John DelVecchio recused himself from

7 consideration and deliberation on this matter and took a

8 seat in the audience due to a conflict of interest," do

9 you see that?

10 A I do.

11 Q And then at the bottom you can see there's

12 votes and then it says recused member DelVecchio, do you

13 see that?

14 A I see that.

15 Q All right. Why did you recuse yourself that

16 day?

17 A I don't know.

18 Q Okay. Would it have something to do with the

19 subject matter that's here in the caption?

20 A I would assume so, but again I don't remember

21 this application and I really don't remember why I

22 recused.

23 Q But you felt it was important enough to

24 actually recuse yourself, right?

25 A I would think so.



1 Q Well, it says it right here, right?

2 A I see what it says.

3 Q And then we looked at Exhibit 21 and you  
4 mentioned that, you know, you had represented Barden,  
5 but then decided that that matter wasn't kind of  
6 significant enough to impede or to trigger, let me put  
7 it that way, any kind of like conflict of interest  
8 issue, true?

9 MR. GULISANO: Objection.

10 A I'll refer to my testimony on that matter.

11 Q Yeah. And then here apparently whatever this  
12 issue is, I mean, is it fair to say that it must be more  
13 significant because here you did go ahead and recuse  
14 yourself?

15 A One would think so, but again I do not remember  
16 why.

17 Q Okay. And if you look at the date we're in  
18 2014. What was the date of 21 right there that I handed  
19 you, what was the date of that one?

20 A You're referring to the previous minutes where  
21 I, where you asked me questions and I testified --

22 Q Yeah, yep.

23 A -- regarding Exhibit 21, it was December 17th,  
24 2013.

25 Q Okay. So not quite a year, but pretty close to

1 a year, right?

2 A Correct.

3 Q Okay. So you've been on the planning board now  
4 for not quite a year, but it looks like maybe ten months  
5 or so. And here you did make a determination to recuse  
6 yourself from making a vote on the application of  
7 Economy Paving for a conditional use permit, true?

8 A That's what I'm reading, but again I do not  
9 remember.

10 Q All right. Very good. Let's take a look at  
11 12. I'm assuming you reviewed that in preparation for  
12 today?

13 A I'm going to review it now.

14 Q And I'll make a representation to you that  
15 we'll look at the first page and then we'll look at the  
16 second to the last page so that you don't have to, eight  
17 of nine, so you don't have to sit there and waste your  
18 time going through it. Unless you would like to. I'm  
19 sure you have looked at a lot of minutes over the years.

20 A I have. Yes, I reviewed this prior to this  
21 deposition.

22 Q All right. And what is that?

23 A It appears to be minutes of a meeting, planning  
24 board meeting in the Town of Cortlandville, August 29th,  
25 2017.